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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,506	07/29/2003	Douglas Gene Keithley	10021154-1	7903

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

EXAMINER	
TREMBLAY, MARK STEPHEN	
ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/630,506	KEITHLEY, DOUGLAS GENE	
	Examiner	Art Unit	
	Mark Tremblay	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 and 10-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent #5,726,779 to Kadowaki et al. ("Kadowaki" hereinafter). Kadowaki discloses an image-capture circuit, comprising:

a digitizer operable to receive a serial analog color signal having a predetermined sequence of color components, the digitizer having:

a plurality of channels 16 (see figure 16a), each operable to process a respective color component; and

an analog-to-digital converter 547 operable to sequentially receive and digitize the color components; and

a controller (57, see figure 13a) coupled to the digitizer and operable to couple each of the channels to the analog to digital converter in the predetermined sequence (via GSEL, BSEL and RSEL).

Re claim 2, see 260.

Re claim 4, see 251-253, 541-543.

Re claim 7, see Sig. A input.

Re claim 22, Kadowaki teaches a sensor head, CCD 6, operable to scan an image and generate the analog color signal processed as separate color components.

Re claim 23, the GSEL, BSEL, and RSEL circuitry shown in figure 16(a) allows for the processing of the different color components at different times.

Re claims 3, 5-6, 8, and 10-21, and 24 the details of these claims are considered to be clearly referenced by Kadowaki, which reference is the main substance of this rejection. The

Examiner's exemplary reading does not and cannot modify Kadowaki under 35 USC 102, and as such is of secondary value to Applicant. It is provided only where it is inferred to be a necessary aid to assist the Applicant in understanding the Examiner's reading of the reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kadowaki et al. Kadowaki teaches the features of the invention as described above, but does not teach that the digitizer and controller can be formed on a single chip. Official notice is taken that integrating the functions of two or more electronic components is old and well known in the art. Applicant has constructively admitted this as prior art by relying on the person skilled in the art to provide the necessary knowledge to build an integrated controller and digitizer. Moreover, the declaration references a 9822 chip, which apparently includes an integrated controller. The motivation to make such a combination is found throughout the electrical arts: manufacture is simplified in that circuit boards are less complicated to design with fewer chips, and cost is generally reduced. This is known to any person skilled in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrate all of the digitizing and control chips taught by Kadowaki because integration of such functions generally

reduces manufacturing costs, and simplifies design, as is well known in the art, and because there are no apparent technical limitations to doing so, as constructively admitted by Applicant.

Voice

Inquiries for the Examiner should be directed to Mark Tremblay at (571) 272-2408. The Examiner's regular office hours are 10:30 am to 7:00 pm EST Monday to Friday. Voice mail is available. If Applicant has trouble contacting the Examiner, the Supervisory Patent Examiner, Michael Lee, can be reached on (571) 272-2398. Technical questions and comments concerning PTO procedures may be directed to the Patent Assistance Center hotline at 1-800-786-9199 or (703) 308-4357.

MARK TREMBLAY
PRIMARY EXAMINER

May 11, 2005